

# *Here Are the Other States Where Trump's Ballot Eligibility Faces a Challenge*

At least 16 states beyond Colorado currently have open legal challenges to the former president's eligibility for office — but what happens next depends on the U.S. Supreme Court.

By Nick Corasaniti  
New York Times

This week's decision by the Colorado Supreme Court to [disqualify former President Donald J. Trump](#) from holding office again was the first victory for a sprawling legal effort that is still unfolding across the country.

At least 16 other states currently have pending legal challenges to Mr. Trump's eligibility for office under the 14th Amendment, according to [a database maintained by Lawfare](#), a nonpartisan site dedicated to national security issues. The lawsuits argue that he is barred because he engaged in an insurrection with his actions surrounding the Capitol riot on Jan. 6, 2021.

Four of these lawsuits — in Michigan, Oregon, New Jersey and Wisconsin — have been filed in state courts. Eleven lawsuits — in Alaska, Arizona, Nevada, New York, New Mexico, South Carolina, Texas, Vermont, Virginia, West Virginia and Wyoming — have been filed in federal district courts.

Cases in two of these states, Arizona and Michigan, were initially dismissed by a lower court but have been appealed. Another challenge has also been made in Maine.

The Trump campaign has said it will appeal the ruling in Colorado, in which the State Supreme Court said it would put its decision on hold — meaning that it is not in effect — until Jan. 4, in hopes of receiving guidance from the U.S. Supreme Court.

“We are also cognizant that we travel in uncharted territory, and that this case presents several issues of first impression,” the Colorado justices wrote, noting that their decision could change based on “the receipt of any order or mandate from the Supreme Court.”

If the U.S. Supreme Court agrees to hear the appeal, the Colorado Supreme Court's hold will be temporarily lifted and Mr. Trump will be eligible to be placed on the state's Republican primary ballot until the nation's top court reaches a decision, according to the Colorado Department of State.

Such an appeal would also most likely freeze the other lawsuits.

“If the Supreme Court takes the case, it will effectively stay the proceedings in all of the other states,” said J. Michael Luttig, a retired appeals court judge who was a leading supporter of bringing a 14th Amendment challenge.

Nine of the active federal cases were, in fact, brought by John Anthony Castro, a long-shot Republican presidential candidate who filed challenges in 27 states regarding Mr. Trump’s eligibility on the ballot under the 14th Amendment, as well as a case with the Supreme Court. In October, the Supreme Court said it [would not take up Mr. Castro’s challenge](#), and federal judges in Florida, Rhode Island and New Hampshire have dismissed his lawsuits. He voluntarily withdrew suits in 12 other states.

In Maine, the secretary of state is expected to rule in the coming days on a challenge to Mr. Trump’s ballot eligibility. The process in Maine is slightly different than other states: A provision in state law allows residents to challenge ballot eligibility, and the secretary of state hears the challenge first. Then either party can appeal that decision to the state’s Superior Court.

Meanwhile, the nation’s attention will focus on whether the U.S. Supreme Court takes up the Colorado case. If it declines, Mr. Trump will be ineligible to appear on the Colorado ballot, according to the Colorado Department of State.

The Supreme Court will face some pressure from the political calendar. As Jena Griswold, the Colorado secretary of state, indicated on MSNBC on Tuesday night, her office must certify which candidates are on or off the ballot by Jan. 5 in order to print ballots in time for the state’s primary election two months later.

A host of other states also hold their primaries on March 5, known as Super Tuesday, including several with pending lawsuits: Virginia, Texas and Vermont. Alaska also holds its caucuses that day.

The federal deadline for election officials [to send absentee ballots](#) to military and overseas voters is 45 days before the day of the election. For South Carolina, an early nominating state with a pending lawsuit, that would be Jan. 10, according to the South Carolina secretary of state’s office.